



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 7, 1996

Ms. Susan Wheeler
University Counsel
University of Houston
Houston, Texas 77204-2162

OR96-1830

Dear Ms. Wheeler:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101011.

The University of Houston received a request for "all records or documents, which contain the name 'James Noble Bradley' and are maintained by the [U]niversity of [H]ouston affirmative action office." You have submitted the records at issue to this office for review. You contend that the information at issue is excepted from disclosure on the basis of common-law privacy as encompassed by section 552.101 of the Government Code.

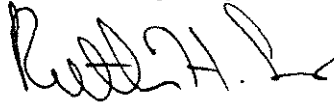
The test to determine whether information is private and excepted from disclosure under section 552.101 is whether the information is (1) highly intimate or embarrassing to a reasonable person and (2) of no legitimate public concern. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977). The records at issue generally concern the activities of a public employee during work hours and the use of work equipment. The public has a legitimate interest in the on-the-job performance of public employees. *See* Open Records Decision No. 470 (1987); *also see generally* Open Records Decision No. 455 (1987) at 8.

You submitted to this office lists of individuals, which are contained in documents that refer to Mr. Bradley. We conclude that common-law privacy protects the identities of the individuals on the submitted lists. The names on the lists must be redacted prior to release. If these names appear or are listed in other responsive documents, they must be redacted from those documents. We note also that the lists submitted to this office identify

individuals by name only. If there are other lists with more identifying information, such as addresses, that information must also be redacted. We note that some of the other documents submitted to this office also contain identifying information about other individuals and those on the lists. This information must be withheld from disclosure. We have marked a sample document to show the type of identifying information that should be withheld from disclosure. The other information submitted to this office must be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Section

RHS/ch

Ref.: ID# 101011

Enclosures: Submitted documents

cc: Ms. Elizabeth Carter
University of Houston Student Publications
The Daily Cougar
Houston, Texas 77204-4071
(w/o enclosures)